

U.S. Application No.
09/700,130

International Application No.
PCT/DK99/00258

Attorney Docket No.
PLOUG1.001APC

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I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on

Nov. 20, 2001

(Date)

Daniel Hart, Reg. No. 40,637

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US) CONCERNING A FILING UNDER 35 USC 371**

International Application No.: PCT/DK99/00258

International Filing Date: May 7, 1999

Priority Dates Claimed: May 7, 1998

May 12, 1998

Title of Invention: CYTOTOXIN-BASED BIOLOGICAL CONTAINMENT

Applicant(s) for DO/EO/US: GERDES, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- (X) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated May 22, 2001.
- (X) Copy of Notice to Comply.
- (X) An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- (X) A power of attorney and/or address letter.
- (X) Sequence Submission Statement.
- (X) Substitute Sequence Listing in 22 pages.
- (X) Substitute Sequence Listing in Computer Readable Format.
- (X) An extension of time to respond for Four (4) months is hereby requested.

Time Extension Fee:

() one month (\$110 large entity)
 () two months (\$390 large entity)
 () three months (\$890 large entity)
 (X) four months (\$1440 large entity)

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- (X) Information Disclosure Statement and Form PTO-1449 with copies of fourteen (14) references.
- (X) Supplemental Preliminary Amendment in 3 pages.
- (X) A return prepaid postcard.
- (X) The fee of \$130 for submission of the Declaration after 30 months from the priority under 37 C.F.R. 1.492(e).
- (X) A check in the amount of \$1,570 to the cover the above fees.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.

By: Daniel Hart
Daniel Hart
Registration No. 40,637
Customer No. 20,995

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DEA/IMRB/CMS



UNITED STATES PATENT AND TRADEMARK OFFICE 5/29/01

U.S. APPLICATION NO.		SN	VERIFIED BY <i>[Signature]</i>	Commissioner for Patents, Box PCT United States Patent and Trademark Office Washington, D.C. 20231 www.uspto.gov
ACTION:		Response to Missing Parts		ATTY. DOCKET NO.
DUE DATE:		GERDES, July 22, 2001		PLOUGI.001AP
KNOBBE, MARTENS, OLSON & BEAR, DINE 620 NEWPORT CENTER DRIVE SIXTEENTH FLOOR NEWPORT BEACH, CA 92660		ATTY: <i>DEA/IMRB/CMS</i>	INTERNATIONAL APPLICATION NO.	PCT/DK99/00258
		ATTORNEY VERIFICATION OF DUE DATE	LA. FILING DATE	PRIORITY DATE
		07 MAY 99	07 MAY 99	07 MAY 99
		AND FINAL DEADLINE	88 MAY 2001	
		DATE MAILED:		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

U.S. Basic National Fee. Indication of Small Entity Status.
 Copy of the international application. Translation of the international application into English.
 Oath or Declaration of inventors(s). Translation of Article 19 amendments into English.
 Copy of Article 19 amendments. Other:
 Priority Document.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

U.S. Basic National Fee. Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917
 PTO-875

Notice of Defective Translation
 PCT/DO/EO/920

Paulette Kidwell, Paralegal

Telephone: 703 305-3656



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/700130		GERDES	K PLOUG1.001AP
		INTERNATIONAL APPLICATION NO.	
KNOBBE MARTENS OLSON & BEAR SIXTEENTH FLOOR 620 NEWPORT CENTER DRIVE NEWPORT BEACH, CA 92660		PCT/DK99/00258	
		I.A. FILING DATE	PRIORITY DATE
		07 MAY 99	07 MAY 98
		22 MAY 2001	
		DATE MAILED:	

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- Other: _____

APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:

- (703) 308-4216, for Rules interpretation,
- (703) 308-4212, for CRF submission help,
- (703) 287-0200, for PatentIn software help.

Paulette Kidwell, Paralegal

Telephone: 703-305-3656